

2009 DRAFTING REQUEST

Bill

Received: **01/20/2009**

Received By: **rchampag**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Kraus**

This file may be shown to any legislator: **NO**

Drafter: **rchampag**

May Contact:

Addl. Drafters:

Subject: **State Finance - bud generally**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

DOA:.....Kraus, BB0472 -

Topic:

Lapse Authority in 2009-11 Fiscal Biennium

Instructions:

See attached.

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Typed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
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| /2 | rchampag 02/02/2009 | bkraft 02/02/2009 | mduchek 02/02/2009 | _____ | cduerst 02/02/2009 | | State |

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| /4 | rchampag 02/06/2009 | bkraft 02/06/2009 | rschluet 02/09/2009 | _____ | cduerst 02/09/2009 | | State |
| /5 | rchampag 02/12/2009 | bkraft 02/12/2009 | phenry 02/13/2009 | _____ | cduerst 02/13/2009 | | State |
| /6 | rchampag 02/13/2009 | jdyer 02/13/2009 | rschluet 02/13/2009 | _____ | mbarman 02/13/2009 | | |

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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Pre Topic:

DOA:.....Kraus, BB0472 -

Topic:

Lapse Authority in 2009-11 Fiscal Biennium

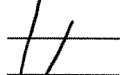
Instructions:

See attached.

Drafting History:

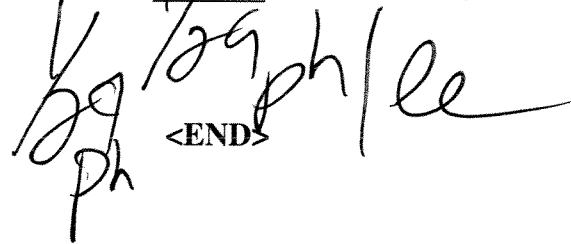
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1 bjk 1/29


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| /? | rchampag | /P/bjk/20 | ND | ND | | | |
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FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Lapse Authority in FY10 and FY11
- Tracking Code: BB0472
- SBO team:
- SBO analyst: Jennifer Kraus
 - Phone: 266-1353
 - Email: Jennifer.kraus@wisconsin.gov
- Agency acronym: ALL
- Agency number:
- Priority (Low, Medium, High): High

Intent:

Replace the current Act 20 lapse provisions for 09-11 with a similar provision that allows the DOA Secretary to lapse one big dollar amount over the biennium from all of the state agencies from all non-fed, sum certain appropriations (don't know what that amount is yet). These are reductions that we are making separate from the receipt of the federal stimulus funds.

Champagne, Rick

From: Kraus, Jennifer - DOA [jennifer.kraus@wisconsin.gov]
Sent: Monday, January 19, 2009 11:43 AM
To: Champagne, Rick; Hanaman, Cathlene
Subject: RE: New drafts re: lapse authority

*- But put XXXX
an amount for
now*

Rick -- I'm also going to need this draft for the Budget Adjustment Bill:

Authorize DOA to lapse \$400 million from any sum-certain appropriation by June 30, 2011 (FY09 through FY11).

Jenny

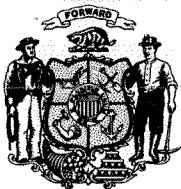
From: Kraus, Jennifer - DOA
Sent: Sunday, January 18, 2009 3:54 PM
To: Champagne, Rick - LEGIS; Hanaman, Cathlene - LEGIS
Subject: New drafts re: lapse authority

Hi Rick - I'm guessing that you will be the one drafting this but if not, please forward to the appropriate drafter. I will send this over formally tomorrow but wanted to share with you as soon as possible if you were in this weekend and/or tomorrow.

I will also be sending over a separate request that replaces the current Act 20 lapse provisions for 09-11 with a similar provision that allows the DOA Secretary to lapse one big dollar amount over the biennium from all of the state agencies from all non-fed, sum certain appropriations (don't know what that amount is yet). These are reductions that we are making separate from the receipt of the federal stimulus funds.

Thanks -- Jenny

From: Schmiedicke, David P - DOA
Sent: Sunday, January 18, 2009 3:37 PM
To: Kraus, Jennifer - DOA
Subject: Addressing the Uncertainty of the Federal Stimulus Funding for Wisconsin.doc



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1641/P1

RAC:.....

LbjK

DOA:.....Kraus, BB0472 - Lapse Authority in 2009-11 Fiscal Biennium

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

SAV
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the State of Wisconsin
Investment Board

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

This bill requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of appropriations to state agencies, other than appropriations of federal revenues, an amount equal to XXXX during the 2009-11 fiscal biennium. Under the bill, state agencies in all branches of government, except for (SWIB) and DETF, are subject to the lapse and transfer provisions. The bill also eliminates lapses and transfers for the 2009-11 fiscal biennium that were required under 2007 Wisconsin Act 20.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- X
- 2 SECTION 1. 2007 Wisconsin Act 20, section 9201 (1c) (a) is amended to read:
- 3 [2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001
- 4 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary

1 of administration shall lapse to the general fund or transfer to the general fund from
2 the unencumbered balances of state operations appropriations to executive branch
3 state agencies, other than sum sufficient appropriations and appropriations of
4 federal revenues, an amount equal to \$200,000,000 during the 2007-09 fiscal
5 biennium and ~~\$200,000,000 during the 2009-11 fiscal biennium~~. This paragraph
6 shall not apply to appropriations to the Board of Regents of the University of
7 Wisconsin System and to the technical college system board.

8 **SECTION 2.** 2007 Wisconsin Act 20, section 9201 (1c) (b) is amended to read:

9 [2007 Wisconsin Act 20] Section 9201 (1c) (b) Notwithstanding section 20.001
10 (3) (a) to (c) of the statutes, but subject to paragraph (d), the secretary of
11 administration shall lapse to the general fund or transfer to the general fund from
12 the unencumbered balances of appropriations to the Board of Regents of the
13 University of Wisconsin System, other than sum sufficient appropriations and
14 appropriations of federal revenues, an amount equal to \$25,000,000 during the
15 2007-09 fiscal biennium and ~~\$25,000,000 during the 2009-11 fiscal biennium~~ from
16 moneys allocated for University of Wisconsin System and campus administration.

17 **SECTION 3.** 2007 Wisconsin Act 20, section 9201 (1c) (c) is amended to read:

18 [2007 Wisconsin Act 20] Section 9201 (1c) (c) Notwithstanding section 20.001
19 (3) (a) to (c) of the statutes, but subject to paragraph (d), the secretary of
20 administration shall lapse to the general fund or transfer to the general fund from
21 the unencumbered balances of appropriations to the technical college system board,
22 other than sum sufficient appropriations and appropriations of federal revenues, an
23 amount equal to \$1,000,000 during the 2007-09 fiscal biennium and ~~\$1,000,000~~
24 ~~during the 2009-11 fiscal biennium~~.

25 **SECTION 9201. Fiscal changes; Administration.**

1 (1) LAPSE OR TRANSFER OF UNENCUMBERED MONEYS IN APPROPRIATION ACCOUNTS
2 AND FUNDS.

3 (a) In this subsection, "state agency" has the meaning given in section 20.001
4 (1) of the statutes, but does not include the investment board or the department of
5 employee trust funds.

6 (b) Notwithstanding section 20.001 (3) (a) to (c) and 25.40 (3) of the statutes, *sections*
7 but subject to paragraph (c), the secretary of administration shall lapse or transfer
8 to the general fund from the unencumbered balances of appropriations to state
9 agencies, other than appropriations of federal revenues, an amount equal to XXXX
10 during the 2009-11 fiscal biennium. The secretary may reestimate appropriation
11 amounts of sum sufficient appropriations to achieve the required lapse or transfer.

12 (c) The secretary of administration may not lapse or transfer moneys under
13 paragraph (b) if the lapse would violate a condition imposed by the federal
14 government on the expenditure of the money or if the lapse or transfer would violate
15 the federal or state constitution.

16 (END)

Champagne, Rick

From: Kraus, Jennifer - DOA [jennifer.kraus@wisconsin.gov]
Sent: Thursday, January 29, 2009 2:13 PM
To: Champagne, Rick
Subject: FW: LRB Draft: 09-1641/P1 Lapse Authority in 2009-11 Fiscal Biennium
Attachments: 09-1641/P1.pdf

Can you make this \$127 mn? thanks

From: Kraus, Jennifer - DOA
Sent: Thursday, January 29, 2009 11:59 AM
To: Kraus, Jennifer - DOA
Subject: FW: LRB Draft: 09-1641/P1 Lapse Authority in 2009-11 Fiscal Biennium

From: Duchek, Michael [mailto:Michael.Duchek@legis.wisconsin.gov]
Sent: Tuesday, January 20, 2009 4:33 PM
To: Kraus, Jennifer - DOA
Cc: Grinde, Kirsten - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA
Subject: LRB Draft: 09-1641/P1 Lapse Authority in 2009-11 Fiscal Biennium

Following is the PDF version of draft 09-1641/P1.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1641/P1

RAC:hjk:md

stage RMR

DOA:.....Kraus, BB0472 - Lapse Authority in 2009-11 Fiscal Biennium
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

SA-

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\$127,000,000

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21 the unencumbered balances of appropriations to the technical college system board,
22 other than sum sufficient appropriations and appropriations of federal revenues, an
23 amount equal to \$1,000,000 during the 2007-09 fiscal biennium and ~~\$1,000,000~~
24 ~~during the 2009-11 fiscal biennium~~.

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8 to the general fund from the unencumbered balances of appropriations to state
9 agencies, other than appropriations of federal revenues, an amount equal to ~~XXXX~~
10 during the 2009-11 fiscal biennium. The secretary may reestimate appropriation
11 amounts of sum sufficient appropriations to achieve the required lapse or transfer.

12 (c) The secretary of administration may not lapse or transfer moneys under
13 paragraph (b) if the lapse would violate a condition imposed by the federal
14 government on the expenditure of the money or if the lapse or transfer would violate
15 the federal or state constitution.

16 (END)

\$127,000,000

Champagne, Rick

From: Kraus, Jennifer - DOA [jennifer.kraus@wisconsin.gov]
Sent: Sunday, February 01, 2009 6:26 PM
To: Champagne, Rick
Subject: FW: LRB Draft: 09-1641/1 Lapse Authority in 2009-11 Fiscal Biennium
Attachments: 09-1641/1.pdf

Pls change to \$130 mn. Thanks - Jenny

From: Henry, Patty [mailto:Patty.Henry@legis.wisconsin.gov]
Sent: Thursday, January 29, 2009 3:28 PM
To: Kraus, Jennifer - DOA
Cc: Grinde, Kirsten - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA
Subject: LRB Draft: 09-1641/1 Lapse Authority in 2009-11 Fiscal Biennium

Following is the PDF version of draft 09-1641/1.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1641/X 2
RAC:bjk:ph
stay RMR

DOA:.....Kraus, BB0472 - Lapse Authority in 2009-11 Fiscal Biennium
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

SA-

do not gen

\$139,000,000

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

This bill requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of appropriations to state agencies, other than appropriations of federal revenues, an amount equal to ~~127,000,000~~ during the 2009-11 fiscal biennium. Under the bill, state agencies in all branches of government, except for the State of Wisconsin Investment Board (SWIB) and DETF, are subject to the lapse and transfer provisions. The bill also eliminates lapses and transfers for the 2009-11 fiscal biennium that were required under 2007 Wisconsin Act 20.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 2 SECTION 1. 2007 Wisconsin Act 20, section 9201 (1c) (a) is amended to read:
- 3 [2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001
- 4 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary

1 of administration shall lapse to the general fund or transfer to the general fund from
2 the unencumbered balances of state operations appropriations to executive branch
3 state agencies, other than sum sufficient appropriations and appropriations of
4 federal revenues, an amount equal to \$200,000,000 during the 2007-09 fiscal
5 biennium and ~~\$200,000,000 during the 2009-11 fiscal biennium~~. This paragraph
6 shall not apply to appropriations to the Board of Regents of the University of
7 Wisconsin System and to the technical college system board.

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10 (3) (a) to (c) of the statutes, but subject to paragraph (d), the secretary of
11 administration shall lapse to the general fund or transfer to the general fund from
12 the unencumbered balances of appropriations to the Board of Regents of the
13 University of Wisconsin System, other than sum sufficient appropriations and
14 appropriations of federal revenues, an amount equal to \$25,000,000 during the
15 2007-09 fiscal biennium and ~~\$25,000,000 during the 2009-11 fiscal biennium~~ from
16 moneys allocated for University of Wisconsin System and campus administration.

17 **SECTION 3.** 2007 Wisconsin Act 20, section 9201 (1c) (c) is amended to read:

18 [2007 Wisconsin Act 20] Section 9201 (1c) (c) Notwithstanding section 20.001
19 (3) (a) to (c) of the statutes, but subject to paragraph (d), the secretary of
20 administration shall lapse to the general fund or transfer to the general fund from
21 the unencumbered balances of appropriations to the technical college system board,
22 other than sum sufficient appropriations and appropriations of federal revenues, an
23 amount equal to \$1,000,000 during the 2007-09 fiscal biennium and ~~\$1,000,000~~
24 ~~during the 2009-11 fiscal biennium~~.

25 **SECTION 9201. Fiscal changes; Administration.**

1 (1) LAPSE OR TRANSFER OF UNENCUMBERED MONEYS IN APPROPRIATION ACCOUNTS
2 AND FUNDS.

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4 (1) of the statutes, but does not include the investment board or the department of
5 employee trust funds.

6 (b) Notwithstanding sections 20.001 (3) (a) to (c) and 25.40 (3) of the statutes,
7 but subject to paragraph (c), the secretary of administration shall lapse or transfer
8 to the general fund from the unencumbered balances of appropriations to state
9 agencies, other than appropriations of federal revenues, an amount equal to
10 ~~\$127,000,000~~² during the 2009-11 fiscal biennium. The secretary may reestimate
11 appropriation amounts of sum sufficient appropriations to achieve the required
12 lapse or transfer.

13 (c) The secretary of administration may not lapse or transfer moneys under
14 paragraph (b) if the lapse would violate a condition imposed by the federal
15 government on the expenditure of the money or if the lapse or transfer would violate
16 the federal or state constitution.

17 (END)

\$130,000,000

Champagne, Rick

From: Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]
Sent: Monday, February 02, 2009 12:11 PM
To: Champagne, Rick
Cc: Pawasarat, Jane - DOA
Subject: Attorney Reorg Changes

Hi Rick --

As per my message:

1. In the current attorney draft, only the following agencies will be receiving a chief legal advisor:

Administration
Children and Families
Commerce
Corrections
Health Services
Natural Resources
Transportation
Workforce Development

Please strike:
Financial Institutions
Regulation and Licensing
Public Service Commission
Agriculture, Trade and Consumer Protection
Office of State Employment Relations
Insurance
Revenue

2. Strike the language reducing the 15.0 FTE positions by the end of the biennium.
3. Modify the language giving the DOA Secretary authority to transfer positions to allow the DOA Secretary to transfer 3.0 FTE attorney positions from cabinet agencies in FY11.

Lastly, in the attorney delete draft, remove the repeal of the requirement to delete the 13.0 FTE positions and instead, state that by July 1, 2011, the DOA Secretary will eliminate up to 13.0 vacant attorney positions.

Please let me know if you have any questions.

Cindy

Cynthia Dombrowski
Executive Policy and Budget Analyst
Department of Administration
Tel: (608)266-5878
Fax: (608)267-0372
cynthia.dombrowski@wisconsin.gov

02/02/2009

fyi

From: Weidner, Jenna M - DOA
Sent: Saturday, January 31, 2009 9:32 AM
To: Hanaman, Cathlene - LEGIS
Cc: Beadles, Kathleen - DOA; Pawasarat, Jane - DOA
Subject: Budget Bill Edit, Non Stat Language
Importance: High

Cathlene,

It's just been brought to my attention that we'll need a nonstatutory provision in the budget bill to transfer surplus funds from the Wisconsin Housing and Economic Development Authority (WHEDA, agency 490) to the general fund.

This is the language we used in 2003 SB 44 to make such a transfer, edited w/ current dates and amounts:

"Notwithstanding section 243.165 (2) (c) of the statutes, the Wisconsin Housing and Economic Development Authority shall pay to the state in fiscal year 2010-11 \$250,000 of it's actual surplus under section 234.165 of the statutes and in fiscal year 2011-11 \$250,000 of it's actual surplus under section 234.165 of the statutes."

Is it too late to include this language?

Jenna Weidner

Executive Policy and Budget Analyst

Wisconsin State Budget Office, DOA-DEBF
101 East Wilson Street
Madison, WI 53702
(608)266-7329

jenna.weidner@wisconsin.gov <<mailto:jenna.weidner@wisconsin.gov>>

Champagne, Rick

From: Kraus, Jennifer - DOA [jennifer.kraus@wisconsin.gov]
Sent: Monday, February 02, 2009 11:46 AM
To: Sundberg, Christopher
Cc: Champagne, Rick
Subject: RE: Budget Bill Edit, Non Stat Language

I think we should modify my draft to include s.234.165 in the notwithstanding section at the beginning (similar to what we do for the DOT). the money will go to the general fund to help balance the budget. Does that make sense?

Jenny

From: Sundberg, Christopher [mailto:Christopher.Sundberg@legis.wisconsin.gov]
Sent: Monday, February 02, 2009 11:39 AM
To: Kraus, Jennifer - DOA
Cc: Champagne, Rick - LEGIS
Subject: RE: Budget Bill Edit, Non Stat Language

I'm not sure if it makes sense to put it in or not. I think any draft that involves a payment (or transfer or lapse, whatever you want to call it) needs to deal with current s. 234.165. Is the payment from WHEDA coming from a plan for the use of surplus funds, as described in s. 234.165? And is the payment going to the general fund or to a specific approp for a specific purpose (see 2007 LRB-1083).

From: Kraus, Jennifer - DOA [mailto:jennifer.kraus@wisconsin.gov]
Sent: Monday, February 02, 2009 11:28 AM
To: Sundberg, Christopher; Champagne, Rick
Cc: Weidner, Jenna M - DOA
Subject: RE: Budget Bill Edit, Non Stat Language

ok - can we incorporate it into my 1641 draft instead so that I can take the WHEDA \$ as part of the 130 mn?

Thanks

From: Sundberg, Christopher [mailto:Christopher.Sundberg@legis.wisconsin.gov]
Sent: Monday, February 02, 2009 11:19 AM
To: Champagne, Rick - LEGIS
Cc: Kraus, Jennifer - DOA; Weidner, Jenna M - DOA
Subject: RE: Budget Bill Edit, Non Stat Language

This hasn't been drafted yet. I'm still waiting to hear back from Jenna about the instructions.

From: Champagne, Rick
Sent: Monday, February 02, 2009 11:05 AM
To: Sundberg, Christopher
Cc: Kraus, Jennifer - DOA
Subject: FW: Budget Bill Edit, Non Stat Language

Chris, have you done this draft yet? If so, can you send jenny a copy?

02/02/2009

From: Kraus, Jennifer - DOA [mailto:jennifer.kraus@wisconsin.gov]
Sent: Monday, February 02, 2009 11:03 AM
To: Champagne, Rick
Subject: RE: Budget Bill Edit, Non Stat Language

maybe - I don't think we have seen 1900 - can you shoot it to me? Thx

From: Champagne, Rick [mailto:Rick.Champagne@legis.wisconsin.gov]
Sent: Monday, February 02, 2009 10:56 AM
To: Kraus, Jennifer - DOA
Subject: RE: Budget Bill Edit, Non Stat Language

Chris Sundberg is doing it as a separate draft for Jane. The LRB is 1900. Will that confuse things?

From: Kraus, Jennifer - DOA [mailto:jennifer.kraus@wisconsin.gov]
Sent: Monday, February 02, 2009 10:53 AM
To: Champagne, Rick
Cc: Weidner, Jenna M - DOA; Pawasarat, Jane - DOA
Subject: RE: Budget Bill Edit, Non Stat Language

Hi Rick -- is this change going to be included in the 09-11 lapse draft ? I'm counting it in my \$130 mn. Thanks

From: Champagne, Rick [mailto:Rick.Champagne@legis.wisconsin.gov]
Sent: Saturday, January 31, 2009 11:25 AM
To: Kraus, Jennifer - DOA; Hanaman, Cathlene - LEGIS
Cc: Pawasarat, Jane - DOA; Weidner, Jenna M - DOA
Subject: RE: Budget Bill Edit, Non Stat Language

Got it.

-----Original Message-----

From: Kraus, Jennifer - DOA [mailto:jennifer.kraus@wisconsin.gov]
Sent: Sat 1/31/2009 9:54 AM
To: Hanaman, Cathlene; Champagne, Rick
Cc: Pawasarat, Jane - DOA; Weidner, Jenna M - DOA
Subject: RE: Budget Bill Edit, Non Stat Language

We can probably do this as an amendment to my current 09-11 general lapse draft.

Jenny

From: Pawasarat, Jane - DOA
Sent: Saturday, January 31, 2009 9:33 AM
To: Kraus, Jennifer - DOA
Subject: FW: Budget Bill Edit, Non Stat Language

02/02/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1641/2 3

RAC:bjk:md

stay RMP

DOA:.....Kraus, BB0472 - Lapse Authority in 2009-11 Fiscal Biennium
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

SA-

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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

This bill requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of appropriations to state agencies, other than appropriations of federal revenues, an amount equal to \$130,000,000 during the 2009-11 fiscal biennium. Under the bill, state agencies in all branches of government, except for the State of Wisconsin Investment Board (SWIB) and DETF, are subject to the lapse and transfer provisions. The bill also eliminates lapses and transfers for the 2009-11 fiscal biennium that were required under 2007 Wisconsin Act 20.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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- 2 SECTION 1. 2007 Wisconsin Act 20, section 9201 (1c) (a) is amended to read:
- 3 [2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001
- 4 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary

1 of administration shall lapse to the general fund or transfer to the general fund from
2 the unencumbered balances of state operations appropriations to executive branch
3 state agencies, other than sum sufficient appropriations and appropriations of
4 federal revenues, an amount equal to \$200,000,000 during the 2007-09 fiscal
5 biennium and \$200,000,000 during the 2009-11 fiscal biennium. This paragraph
6 shall not apply to appropriations to the Board of Regents of the University of
7 Wisconsin System and to the technical college system board.

8 **SECTION 2.** 2007 Wisconsin Act 20, section 9201 (1c) (b) is amended to read:

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10 (3) (a) to (c) of the statutes, but subject to paragraph (d), the secretary of
11 administration shall lapse to the general fund or transfer to the general fund from
12 the unencumbered balances of appropriations to the Board of Regents of the
13 University of Wisconsin System, other than sum sufficient appropriations and
14 appropriations of federal revenues, an amount equal to \$25,000,000 during the
15 2007-09 fiscal biennium and \$25,000,000 during the 2009-11 fiscal biennium from
16 moneys allocated for University of Wisconsin System and campus administration.

17 **SECTION 3.** 2007 Wisconsin Act 20, section 9201 (1c) (c) is amended to read:

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19 (3) (a) to (c) of the statutes, but subject to paragraph (d), the secretary of
20 administration shall lapse to the general fund or transfer to the general fund from
21 the unencumbered balances of appropriations to the technical college system board,
22 other than sum sufficient appropriations and appropriations of federal revenues, an
23 amount equal to \$1,000,000 during the 2007-09 fiscal biennium and \$1,000,000
24 during the 2009-11 fiscal biennium.

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2 AND FUNDS.

3 (a) In this subsection, "state agency" has the meaning given in section 20.001
4 (1) of the statutes, but does not include the investment board or the department of
5 employee trust funds.

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insert
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7 but subject to paragraph (c), the secretary of administration shall lapse or transfer
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11 appropriation amounts of sum sufficient appropriations to achieve the required
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14 paragraph (b) if the lapse would violate a condition imposed by the federal
15 government on the expenditure of the money or if the lapse or transfer would violate
16 the federal or state constitution.

17

(END)

Insert 3-17

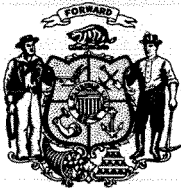
**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1641/3ins
RAC:bjk:md

Insert 3-17:

(d) Notwithstanding section 234.165 (2) of the statutes, the Wisconsin Housing and Economic Development Authority shall pay to the state in fiscal year 2010-11 \$250,000 of its actual surplus under section 234.165 of the statutes and in fiscal year > 2011-12 shall pay to the state \$250,000 of its actual surplus under section 234.165 of the statutes. The amount paid to the state under this paragraph shall be deposited in the general fund and shall be considered part of the amount that the secretary of administration must lapse or transfer under paragraph (b).

auto-ref p. 3, line 6
of draft



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1641/8

RAC:bjk:md

Estay

RMR

DOA:.....Kraus, BB0472 - Lapse Authority in 2009-11 Fiscal Biennium
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

SA-
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and unappropriated money in a state

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

This bill requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of appropriations to state agencies, other than appropriations of federal revenues, an amount equal to \$130,000,000 during the 2009-11 fiscal biennium. Under the bill, state agencies in all branches of government, except for the State of Wisconsin Investment Board (SWIB) and DETF, are subject to the lapse and transfer provisions. The bill also eliminates lapses and transfers for the 2009-11 fiscal biennium that were required under 2007 Wisconsin Act 20.

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2 the unencumbered balances of state operations appropriations to executive branch
3 state agencies, other than sum sufficient appropriations and appropriations of
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7 Wisconsin System and to the technical college system board.

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13 University of Wisconsin System, other than sum sufficient appropriations and
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20 administration shall lapse to the general fund or transfer to the general fund from
21 the unencumbered balances of appropriations to the technical college system board,
22 other than sum sufficient appropriations and appropriations of federal revenues, an
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24 during the 2009-11 fiscal biennium.

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15 government on the expenditure of the money or if the lapse or transfer would violate
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18 and Economic Development Authority shall pay to the state in fiscal year 2010-11
19 \$250,000 of its actual surplus under section 234.165 of the statutes and in fiscal year
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21 of the statutes. The amount paid to the state under this paragraph shall be deposited
22 in the general fund and shall be considered part of the amount that the secretary of
23 administration must lapse or transfer under paragraph (b).

24

(END)

*and unappropriated moneys in
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DOA:.....Kraus, BB0472 - Lapse Authority in 2009-11 Fiscal Biennium
 FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

SA-

do not join

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STATE GOVERNMENT

STATE FINANCE

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9 agencies, other than appropriations of federal revenues, and unappropriated moneys
10 in state funds an amount equal to ~~\$130,000,000~~ ^{\$160,000,000} during the 2009–11 fiscal biennium.
11 The secretary may reestimate appropriation amounts of sum sufficient
12 appropriations to achieve the required lapse or transfer.

13 (c) The secretary of administration may not lapse or transfer moneys under
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19 \$250,000 of its actual surplus under section 234.165 of the statutes and in fiscal year
20 2011–12 shall pay to the state \$250,000 of its actual surplus under section 234.165
21 of the statutes. The amount paid to the state under this paragraph shall be deposited
22 in the general fund and shall be considered part of the amount that the secretary of
23 administration must lapse or transfer under paragraph (b).

24 (END)

Champagne, Rick

From: Kraus, Jennifer - DOA [jennifer.kraus@wisconsin.gov]
Sent: Friday, February 13, 2009 1:07 PM
To: Champagne, Rick
Subject: FW: LRB Draft: 09-1641/5 Lapse Authority in 2009-11 Fiscal Biennium
Attachments: 09-1641/5.pdf

Hi Rick - I need this draft to only apply to sum sufficients of the courts, Legislature and Governor. Can you modify? thanks -- Jenny

From: Henry, Patty [mailto:Patty.Henry@legis.wisconsin.gov]
Sent: Friday, February 13, 2009 11:21 AM
To: Kraus, Jennifer - DOA
Cc: Grinde, Kirsten - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA
Subject: LRB Draft: 09-1641/5 Lapse Authority in 2009-11 Fiscal Biennium

Following is the PDF version of draft 09-1641/5.

NOW

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+ jld
RMK

DOA:.....Kraus, BB0472 - Lapse Authority in 2009-11 Fiscal Biennium
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

✓
✓ do not get ✓ sum sufficient appropriations and
1 AN ACT ...; relating to: the budget.

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STATE FINANCE

This bill requires the secretary of administration to lapse or transfer to the general fund from the unencumbered balances of appropriations to state agencies, other than appropriations of federal revenues, ~~and unappropriated moneys in state funds~~ an amount equal to \$160,000,000 during the 2009-11 fiscal biennium. Under the bill, state agencies in all branches of government, except for the State of Wisconsin Investment Board (SWIB) and DETF, are subject to the lapse and transfer provisions. The bill also eliminates lapses and transfers for the 2009-11 fiscal biennium that were required under 2007 Wisconsin Act 20.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 **SECTION 1.** 2007 Wisconsin Act 20, section 9201 (1c) (a) is amended to read:

3 [2007 Wisconsin Act 20] Section 9201 (1c) (a) Notwithstanding sections 20.001

4 (3) (a) to (c) and 25.40 (3) of the statutes, but subject to paragraph (d), the secretary

1 of administration shall lapse to the general fund or transfer to the general fund from
2 the unencumbered balances of state operations appropriations to executive branch
3 state agencies, other than sum sufficient appropriations and appropriations of
4 federal revenues, an amount equal to \$200,000,000 during the 2007-09 fiscal
5 biennium and ~~\$200,000,000 during the 2009-11 fiscal biennium~~. This paragraph
6 shall not apply to appropriations to the Board of Regents of the University of
7 Wisconsin System and to the technical college system board.

8 **SECTION 2.** 2007 Wisconsin Act 20, section 9201 (1c) (b) is amended to read:

9 [2007 Wisconsin Act 20] Section 9201 (1c) (b) Notwithstanding section 20.001
10 (3) (a) to (c) of the statutes, but subject to paragraph (d), the secretary of
11 administration shall lapse to the general fund or transfer to the general fund from
12 the unencumbered balances of appropriations to the Board of Regents of the
13 University of Wisconsin System, other than sum sufficient appropriations and
14 appropriations of federal revenues, an amount equal to \$25,000,000 during the
15 2007-09 fiscal biennium and ~~\$25,000,000 during the 2009-11 fiscal biennium~~ from
16 moneys allocated for University of Wisconsin System and campus administration.

17 **SECTION 3.** 2007 Wisconsin Act 20, section 9201 (1c) (c) is amended to read:

18 [2007 Wisconsin Act 20] Section 9201 (1c) (c) Notwithstanding section 20.001
19 (3) (a) to (c) of the statutes, but subject to paragraph (d), the secretary of
20 administration shall lapse to the general fund or transfer to the general fund from
21 the unencumbered balances of appropriations to the technical college system board,
22 other than sum sufficient appropriations and appropriations of federal revenues, an
23 amount equal to \$1,000,000 during the 2007-09 fiscal biennium and ~~\$1,000,000~~
24 ~~during the 2009-11 fiscal biennium~~.

25 **SECTION 9201. Fiscal changes; Administration.**

1 (1) LAPSE OR TRANSFER OF UNENCUMBERED MONEYS IN APPROPRIATION ACCOUNTS
2 AND FUNDS.

3 (a) In this subsection, "state agency" has the meaning given in section 20.001
4 (1) of the statutes, but does not include the investment board or the department of
5 employee trust funds.

6 (b) Notwithstanding sections 20.001 (3) (a) to (c) and 25.40 (3) of the statutes,
7 but subject to paragraph (c), the secretary of administration shall lapse or transfer
8 to the general fund from the unencumbered balances of appropriations to state
9 agencies, other than ^{SUM SUFFICIENT APPROPRIATIONS AND} ~~appropriations of federal revenues and unappropriated moneys~~
10 ~~in state funds~~ an amount equal to \$160,000,000 during the 2009–11 fiscal biennium.
Explain

11 ~~The secretary may reestimate appropriation amounts of sum sufficient~~
12 ~~appropriations to achieve the required lapse or transfer.~~

13 (c) The secretary of administration may not lapse or transfer moneys under
14 paragraph (b) if the lapse would violate a condition imposed by the federal
15 government on the expenditure of the money or if the lapse or transfer would violate
16 the federal or state constitution.

17 (d) Notwithstanding section 234.165 (2) of the statutes, the Wisconsin Housing
18 and Economic Development Authority shall pay to the state in fiscal year 2010–11
19 \$250,000 of its actual surplus under section 234.165 of the statutes and in fiscal year
20 2011–12 shall pay to the state \$250,000 of its actual surplus under section 234.165
21 of the statutes. The amount paid to the state under this paragraph shall be deposited
22 in the general fund and shall be considered part of the amount that the secretary of
23 administration must lapse or transfer under paragraph (b).

24 (END)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1641/6ins
RAC:bjk:ph

Insert 3-17:

2. ✓ From appropriations under sections ✓ 20.525, ✓ 20.625, ✓ 20.660, ✓ 20.680, and
20.765 ✓ of the statutes, for the purpose of accomplishing the lapse and transfer of
moneys ✓ under paragraph (b), the secretary may lapse from sum certain
appropriation accounts or subtract from the expenditure estimates for any other
types of appropriations, or both. ✓

(end ins)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1641/6
RAC:bjk&jld:rs

DOA:.....Kraus, BB0472 - Lapse Authority in 2009-11 Fiscal Biennium
FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

STATE FINANCE

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4 federal revenues, an amount equal to \$200,000,000 during the 2007-09 fiscal
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12 the unencumbered balances of appropriations to the Board of Regents of the
13 University of Wisconsin System, other than sum sufficient appropriations and
14 appropriations of federal revenues, an amount equal to \$25,000,000 during the
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20 administration shall lapse to the general fund or transfer to the general fund from
21 the unencumbered balances of appropriations to the technical college system board,
22 other than sum sufficient appropriations and appropriations of federal revenues, an
23 amount equal to \$1,000,000 during the 2007-09 fiscal biennium and ~~\$1,000,000~~
24 ~~during the 2009-11 fiscal biennium~~.

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7 but subject to paragraph (c), the secretary of administration shall lapse or transfer
8 to the general fund from the unencumbered balances of appropriations to state
9 agencies, other than sum sufficient appropriations and appropriations of federal
10 revenues, an amount equal to \$160,000,000 during the 2009-11 fiscal biennium.

11 (c) 1. The secretary of administration may not lapse or transfer moneys under
12 paragraph (b) if the lapse would violate a condition imposed by the federal
13 government on the expenditure of the money or if the lapse or transfer would violate
14 the federal or state constitution.

15 2. From appropriations under sections 20.525, 20.625, 20.660, 20.680, and
16 20.765 of the statutes, for the purpose of accomplishing the lapse and transfer of
17 moneys under paragraph (b), the secretary may lapse from sum certain
18 appropriation accounts or subtract from the expenditure estimates for any other
19 types of appropriations, or both.

20 (d) Notwithstanding section 234.165 (2) of the statutes, the Wisconsin Housing
21 and Economic Development Authority shall pay to the state in fiscal year 2010-11
22 \$250,000 of its actual surplus under section 234.165 of the statutes and in fiscal year
23 2011-12 shall pay to the state \$250,000 of its actual surplus under section 234.165
24 of the statutes. The amount paid to the state under this paragraph shall be deposited

1 in the general fund and shall be considered part of the amount that the secretary of
2 administration must lapse or transfer under paragraph (b).

3 (END)